

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)	
INFORMATION FILED WITH CINCINNATI BELL)	CASE NO. 95-278
TELEPHONE COMPANY'S REVISION TO GENERAL)	
EXCHANGE TARIFF, PSCK NO. 3 TO)	
INTRODUCE CALL TRANSFER SERVICE)	

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell"), filed June 23, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost data filed in support of its proposed tariff revision on the grounds that disclosure of the information is likely to cause Cincinnati Bell competitive injury, and it appearing to this Commission as follows:

In this proceeding Cincinnati Bell has proposed revisions to its General Exchange Tariff to offer Call Transfer Service. In support of its application Cincinnati Bell has filed cost information which it seeks to protect as confidential.

The information sought to be protected is not known outside of Cincinnati Bell and is not disseminated within Cincinnati Bell except to those employees who have a legitimate business need to know and act upon the information. Cincinnati Bell seeks to protect and preserve the confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Cincinnati Bell faces competition for Call Transfer Service from customer premises equipment vendors. Disclosure of the information would allow such competitors to determine Cincinnati Bell's cost and contribution from the service which they could use to plan market entry and develop pricing strategies to the detriment of Cincinnati Bell. Therefore, disclosure of the information is likely to cause Cincinnati Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost information filed in support of the proposed tariff revision, which Cincinnati Bell has petitioned to be withheld from public disclosure, shall be held and retained


by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 28th day of July, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director